IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL NO : 1138 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/06/2004 in WPMP NO.12772 OF 2004 in WP No.10053 of 2004 on the file of the High Court.)

Between:

1 Dr.O.S.Rama Chandraiah, S/o.Late O.Venkataramaiah, Ananthapur.
2 Dr.N.B.L. Prasad, JNTU,Oil Technological Research Institute, Ananthapur.

..... APPELLANTS

AND

1 The Reg., JNTU, Administrative Block, Kukatpally, Hyderabad.
2 The Director, JNTU, Oil Technological Research Institute, Ananthapur.

.....RESPONDENTS

Counsel for the Appellant:MR.P.V.SANJAY KUMAR

Counsel for the Respondents: M/SC.KODANDA RAM

WRIT PETITION NO : 10053 of 2004

Between:

1 Dr.O.S.Ramachandraiah, s/o O.late O.Venkataramaiah,

Oil Technological Research Institute, Anantapur.
2 Dr.N.B.L.Prasad, Senior Scientific Assistant, JNTU,

Oil Technological Research Institute, Anantapur.

..... PETITIONERS

AND

1 The Registrar, JNTU, Administative Block,
Kukatpally, Hyderabad.
2 The Director, JNTU, Oil Technological,
Research Institute, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to direct the respondent to continue the petitioners in service till he attains the age of 60 years as they come under academic services on par with academic service staff of the respondent university by holding the action of the respondent university in retiring and contemplating to retire scientific staff drawn from OTRI at the age of 58 years though they are dealing with academic and scientific research which comes under the meaning of academic services as bad, illegal, irrational, arbitrary, discriminatory and unconstitutional besides being violative of Jawaharlal Nehru Technologies Act 1972 by issuance of writ of mandamus or any other writ

Counsel for the Petitioner: MR.P.V.SANJAY KUMAR

Counsel for the Respondents: M/S C.KODANDA RAM

The Court made the following :

ORAL JUDGMENT:

(Per The Hon'ble sri Justice J.Chelameswar)

The Writ Appeal is preferred by the Writ Petitioners in W.P.No.10053 of 2004 aggrieved by the denial of an interim order as sought for in WPMP No.12272 of 2004.

The respondents-University filed an affidavit stating that in view of the approval accorded by the Chancellor of the Respondents-University for the amendment of sub-statute (25) of Statute XIV of the statutes of the Jawaharlal Nehru Technological University earlier issued under G.O.Ms.No.1191, Education, dated 19th December, 1994, which authorized the retirement, *inter alia*, of the petitioners on attaining the age of 58 years, the writ petition is without merit and is liable to be dismissed,

consequently, the writ appeal may also be dismissed.

In view of the said amendment, the learned counsel for the petitioners/appellants, submitted that he is required to seek appropriate relief so far as the amendment brought about to the statutes of the University and he, therefore, prays that he may be permitted to withdraw the writ appeal as well as writ petition with a liberty to take appropriate further action, as is, available to him under law.

Recording the submission made by the learned counsel, Writ Appeal as well as Writ Petition are dismissed as withdrawn reserving the right of the petitioners/appellants to take such recourse under law as is advised. No costs.

J.Chelameswar, J

Goda Raghuram, J

13th August, 2004

NSR/mrk

To

1. The Registrar, Jawaharlal Nehru Technological University, Administrative Block, Kukatpally, Hyderabad.
2. The Director, Jawaharlal NehruTechnological University, Oil Technological Institute, Ananthapur.
3. Two CD copies.

THE HON'BLE SRI JUSTICE J. CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.A.NO.1138 AND W.P.NO.10053 OF 2004

(Bench Judgment delivered by

the Hon'ble Sri Justice J.Chelameswar)

13TH AUGUST, 2004